



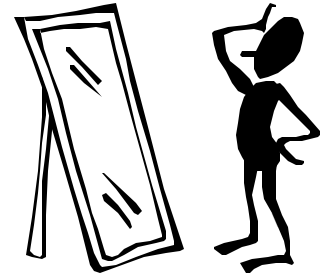
# Dress Codes



- Does the way employees dress affect your business? What does casual dress mean?
- Do your dress rules and grooming standards serve useful purposes that you can explain?
- Would a more casual dress policy increase morale?
- Do you need a dress and grooming policy?
- Do your policies discriminate based on protected areas of the law?



Employers can set reasonable standards for dress and grooming for their employees as long as they are nondiscriminatory and are applied consistently to similarly situated employees. Any differences must not impact job opportunities based on protected areas of the law which include race, color, national origin, creed, sex, physical or mental disability, marital status, religion, or age.



Rules on dress and grooming are sensitive issues. Because of differing views on what constitutes appropriate dress and grooming, strict rules may cause resentment and encourage employees to file charges if they perceive them as unfair. To avoid discrimination charges, an employer should be able to show that a particular rule is a business necessity.

## **Legitimate business-related factors to consider when developing a dress policy include the following:**

### ***Image with public or customers:***

Dress codes and grooming regulations reflect a company's personality and character; those that are reasonable and evenly applied usually will be left to the discretion of the employer.

### ***Identity:***

Do you need uniforms or consistent modes of dress to operate profitably or efficiently?

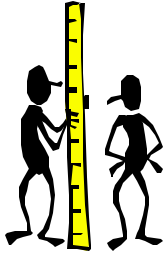
### ***Safety and hygiene:***

You may need to address health and safety concerns which may require specific items such as hairnets, steel-toed shoes, white uniforms, cotton clothing, hard hats, etc.

## **General Information**

Generally, employers can restrict most types of clothing, fashions and grooming that do not fit the company's image. Areas to consider addressing in a policy, if appropriate, include the following: jewelry, body piercing, tattoos, T-shirts, polo shirts, slogans, pictures, sweatshirts, jeans, culottes, miniskirts, sandals, flip-flops, sweats, pants with stirrups, eccentric hair-styles, revealing attire, hats and lack of undergarments.





Different rules based on social mores can apply to men and women without being discriminatory if they concern areas over which employees have control. Men can be required to wear ties, for example, and to have short hair. Or an employer may have a policy that prohibits men but not women from wearing earrings.

**Equality is the key.** Requiring women to wear suits with skirts while men are permitted to wear a shirt and slacks, for example, is gender-based inequality. Likewise, requiring female employees to wear makeup is hard to defend as a gender-neutral, equally applied rule.

In addition, different rules for different departments are acceptable if the rules reflect differences in employees' job functions.

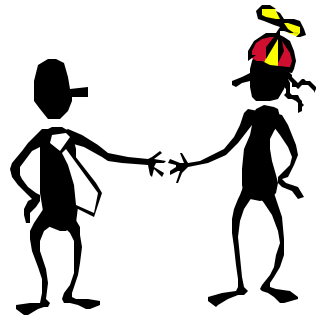
*Example: An employer may allow body piercing or blue jeans for warehouse workers but not for its sales force.*

Dress and grooming requirements involving individual characteristics that cannot be changed may be unlawful race bias. Courts have found that no-beard policies discriminate under some circumstances because they have an adverse impact on black males.

*Example: The skin condition pseudofolliculitis barbae, which makes shaving a problem, predominantly affects African American males.*

## Casual Dress Code

Today many companies have adopted more casual dress policies and, for the most part, employers and employees couldn't be happier. Rules that serve no useful purpose can erode employee morale and increase turnover. Old-fashioned dress codes can be a particular source of irritation to younger employees. In addition, you should consider the cost of acceptable dress for your business relative to your pay scales.



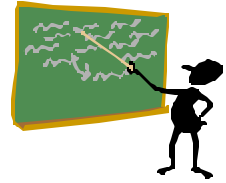
Although a casual dress code can be beneficial to all parties, don't be casual about defining it based on your business needs. Individual interpretations of "casual" can range from shorts and sandals, to sweats or cocktail attire. Some policies expressly state what can be worn while others concentrate on what cannot be worn. Also, consider including basic dress standards in your job descriptions to give applicants a clear understanding of your expectations. This gives potential applicants an opportunity to screen themselves for suitability and can alleviate misunderstandings later on as well as save time for all concerned.

## Uniforms



Employers often require employees to wear uniforms for certain jobs. So long as the uniforms are substantially equal for both sexes and the same uniforms are required for all employees in the same job classification, there is no gender bias. However, uniform requirements that apply to only female employees have been considered discriminatory.

Uniforms are normally used to make company employees readily identifiable to the public or for hygienic or safety reasons. If you do require uniforms, you may want to develop policies regarding when they can be worn and standards for how they are worn: May the uniform be worn to and from work? Are there any restrictions such as are employees permitted to drink in public while in uniform? Do you prohibit jewelry, badges or insignia such as political buttons while in uniform?



If you require uniforms, consider factors such as comfort, cost, style and durability. When possible, get input from employees to avoid disciplinary and morale problems.

Also, be aware that the Montana Wage and Hour Unit, Department of Labor & Industry, takes the following position regarding uniforms:

*The cost cannot be deducted from an employee's wages nor can the employee be required to bear the cost of a uniform that is for the convenience of the employer. Uniforms that are specialized and have distinguishing characteristics making them other than generic are the obligation of the employer. However, employers can have recognized standards of dress, for instance, white shirt and dark pants, and have no obligation to pay for or reimburse the employee for 'uniforms' of this general type.*

***Specific situations may need to be reviewed on an individual basis and employers with specific questions should contact the Wage and Hour Unit at (406) 444-5600.***

## Implementing a Dress Policy

**Following this article are several sample dress policies that you can tailor to meet your needs. Should you need information regarding a specific issue, don't hesitate to contact the Job Service Workforce Center. Remember that defining parameters clearly ahead of time can prevent confusion later on.**

You may want to consider implementing a casual dress policy on a trial basis of three months or so to experience the impact without committing to it. Or you may want to try a "dress down day" such as Fridays. Some companies have a set day of the week or month to relax dress codes and some use relaxed dress codes as a way of rewarding individuals or groups of employees. It is common to see company-issued casual attire with identifying company logos to be worn on "casual days."

Routing an office memo announcing your policy and spelling out general guidelines is usually all that is needed. Be sure to add a final policy to your employee handbook.

Dress and grooming code violations are usually considered minor violations, except for safety-and-health-related infractions. Generally, counseling by a supervisor will eliminate problems. If this doesn't work, some companies handle violations by either suspending the employee for the remainder of the work day or by sending the employee home to change into suitable attire. Generally, the employee is not paid for the time away from work.

Dress policies should include a mechanism whereby employees are invited to consult with management regarding any restrictions in the policy statement that they believe may impact them unfairly as a member of a protected group.

Remember, dress and grooming codes do not have to be written to violate the law. Courts will look to an employer's actual practices regardless of whether those practices are actually written down. Employers with specific problems or questions are advised to seek legal counsel and to adopt policies that meet their specific needs.

## Simple Basic Policy

### Personal Appearance

Effective Date:

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the business image your business presents to customers and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

## Dress Code Policy

It is the policy of your business to present a conservative and professional image to the clients we serve. Because every employee may at one time or another come in contact with our clients, it is important for all staff members to be dressed appropriately at the office every day.

The professional, conservative business image we want to present to our clients dictates that male employees wear a business suit, sport coat or sweater and slacks, dress shirt, tie, dark socks and dress shoes. Appropriate attire for women employees includes business suits, dresses, pant suits and dress shoes. Casual clothing such as jogging suits, distracting or revealing clothing is not appropriate for work.

In addition to proper dress, employees are expected to present a clean, neat and business-like appearance. For example, male employees are expected to have neatly combed hair and to be clean shaven or to have neatly trimmed mustaches and/or beards. Female employees are expected to have neatly combed hair and to not wear excessive make-up. All employees are prohibited from wearing extreme or eccentric hairstyles, clothing or jewelry that do not present a professional appearance.

Reasonable accommodations will be made for employees' religious beliefs consistent with business necessity to present a conservative, professional appearance to the public. Supervisors and managers are responsible for interpreting and enforcing the dress and grooming code in their areas of responsibility. This includes counseling employees who are inappropriately dressed. The human resources office is the ultimate authority on appropriate attire at work, and questions or complaints that cannot be handled to the employee's satisfaction by his or her supervisor or manager should be taken to the human resources staff.

If an employee dresses inappropriately, he or she will be counseled by a supervisor or manager. If the clothing is unduly distracting or unsafe, the employee may be sent home without pay to change clothes. Repeated disregard for the dress policy may result in disciplinary action up to and including discharge.

## Personal Grooming Standards

examples

### Male Employees:

Neatly trimmed beards and mustaches of a conservative nature are acceptable. Sideburns must not extend below the bottom of the ear. Hair must be neatly cut and clean. The hair must be no longer in the back than the top of a tailored shirt collar. Tails, ponytails or otherwise are not allowed. Fad hair styles including, but not limited to, unnatural coloring of hair, dreadlocks, Mohawks, or unconventional cuts are not permitted. Dreadlocks are not allowed. Visible tattoos must be completely covered while on duty.

Jewelry: Small rings, class rings and wedding bands are permitted, but must not be worn while performing jobs where they might present a hazard to the employee. Earrings shall not be worn, including visible body piercing.

### Female Employees:

Hair must be neatly cut and clean. Hair below shoulder length may need some confinement so as not to fall forward over the face or otherwise endanger the employee while working. Fad hair styles including, but not limited to, unnatural coloring of hair, Mohawks, or unconventional cuts are not permitted. Visible tattoos must be completely covered while on duty. Visible body piercing shall not be worn.

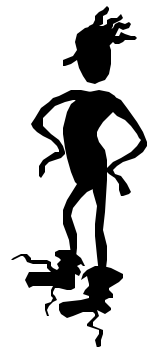


Jewelry: Rings, necklaces, bracelets and earring are permitted, but must not be worn while performing work where they might present a hazard to the employee. Visible body piercing is not permitted.

## Casual Dress Day: All Employees

Casual dress day is the last work day of every week for all employees. Casual clothing deserves the same attention to detail as a traditional corporate wardrobe. Creating a look that is professional and comfortable sets the right tone. The following represents some guidelines relative to the policy.

- Wrinkled, stained or dirty clothing is inappropriate
- Ripped jeans and “distressed clothes” are inappropriate
- Sleeveless shirts and tank tops are inappropriate
- Undershirts or shirts meant to be worn as undergarments are inappropriate
- Flashy “loud” clothing (including T-shirts with printed messages) is inappropriate
- Avoid lingerie looks or overly revealing outfits
- Be sure to check that garments are not too transparent or too tight
- Footwear should be fastened and secured to feet for safety on the stairs and in the office
- Employees scheduled to meet with outside personnel/customers must wear normal business attire



## **SAMPLE ACKNOWLEDGEMENT**

### **Grooming and Dress Policy**

I have received and reviewed the dress code policy and will abide by its procedures as part of my job.

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Employee Printed Name

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Date

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Employee Signature